



# JOE KNILANS

STATE REPRESENTATIVE • 44<sup>TH</sup> ASSEMBLY DISTRICT

March 1, 2012

First of all, I would like to thank you Chairperson Nass and all of the other committee members for allowing me to testify on AB-322 and the companion bill SB-485.

The main reason I feel so strongly about this bill is because the Wisconsin School for the Blind and Visually Impaired is located in my hometown, Janesville. I grew up with that school in my backyard, and it is very special to me.

- Accessibility for textbooks for the blind and visually impaired has been tried in each of the last three sessions – unsuccessfully. Those attempts failed, because the publishers were not onboard with the proposals.
- Things are different today, because the publishers are in full support. In fact, publishers are hoping to use this legislation to promote similar action in other states.
- This bill reflects a broad bipartisan and inclusive effort between legislators, publishers, advocates, the University of Wisconsin system and the Vocational system.
- The result is a bill that strongly announces: No student in Wisconsin will be denied access to our educational system's promise of a better opportunity.
- This bill assures that blind or visually impaired students will receive educational materials in formats they are able to use. Most importantly, they will receive them in a cost effective and timely manner.
- A student at the University of Wisconsin in Green Bay had to drop out of school because he could not afford a mathematics textbook.
- Many blind and visually impaired students have to wait two to three weeks for their educational material. That delay puts them behind other students in the classroom.

- 18% of Veterans returning from Iraq and Afghanistan who have sustained injuries from roadside bombings are blind or visually impaired. They use the GI Bill to prepare themselves for new careers.
- We asked our Veterans to defend us. When they come back, we must not throw additional roadblocks in their way.
- Publishers of elementary and secondary school textbooks have already been operating under this type of requirement. This bill extends that requirement beyond the elementary and secondary levels.
- About 50-75% of the textbooks are already available in formats consistent with this bill. Publishers have taken these steps to facilitate sales and protect the integrity of their intellectual property.
- In those cases in which small publishers are not able to comply, the bill permits schools to convert the material to the appropriate formats.
- This bill is good for our students and our schools. It is a wonderful example of the forward thinking that has characterized Wisconsin for many generations. Thank you again for hearing my testimony. I look forward to any questions you might have.



**ROBERT W. WIRCH**  
STATE SENATOR TWENTY-SECOND DISTRICT

Date: March 1, 2012

TO: Assembly Committee on Colleges and Universities  
Representative Nass, Chair  
Representative Knudson  
Representative Ballweg  
Representative Pridemore  
Representative Knodl  
Representative Farrow  
Representative Wynn  
Representative Toles  
Representative Berceau  
Representative Molepske Jr  
Representative Pocan

RE: Support for Assembly Bill 322

Thank you Chairman Nass for holding a public hearing on Assembly Bill 322. First introduced in the 2005-2006 Legislature, the Instructional Materials Accessibility Act has undergone many changes in recent months. Along with Representative Knilans and Representative Seidel, we have held several meetings with officials from the Association of American Publishers, publishers McGraw-Hill and Cengage Learning, and lobbyists from the University of Wisconsin-Madison, the UW-System, Madison Area Technical College, the Wisconsin Technical College System, and the Blinded Veterans Association and Wisconsin Council on Veterans Programs to reach a compromise that is supported by these groups. I would also like to thank the Wisconsin Council of the Blind and Visually Impaired for their commitment and resolve on this bill. The collective effort on behalf of all parties has helped to draft this good piece of legislation.

Currently, a university or tech school in Wisconsin who has a student with a disability enrolled in a class will request a digital copy of a textbook from a publisher in the class in which they are enrolled. The school and student must then wait for a reply from the publisher. The process is often quite sluggish, and in many cases, students will receive their materials months into the semester. In some cases, these students never receive their classroom materials.

We have heard from several text book companies that having an electronic file of a text book has become increasingly common as technology continues to advance, and is becoming the norm in the industry. At this time, over 50% of materials are already available in electronic format. This bill will assure that all the materials that students need are accessible and obtainable in a timely manner.

This bill has the full support of the Blinded Veterans Association and the Wisconsin Council of Veterans Programs. 18% of United States soldiers serving in Afghanistan and Veterans of the war in Iraq who are wounded by a roadside bombs or IED sustain eye injury. Under this bill, our Veterans will have access to materials in job training programs, at tech schools, and at our universities.

Assembly Bill 322 makes written materials accessible to post-secondary students with disabilities in our state. This legislation ensures that students have access to materials used in the classroom by requiring textbook publishers to have the information available in a digital format that can be converted in a timely fashion to Braille, large print, or audio to best meet the needs of students. If a publisher does not give an electronic copy or does not respond to the request, the school then can go ahead and translate the textbook on behalf of the student. It is important to note that this bill will serve all students that qualify under the Americans with Disabilities Act, not just the Blind or visually impaired.

When Assembly Bill 322 was introduced in September, the publishers had several major concerns. They objected to certain provisions concerning the possible violation of their constitutional rights specifically pertaining to 'Public Accommodation'. Changes to the "Public Accommodation" portions of the bill were omitted in the sub-amendment to AB 322 with the approval of the universities and tech schools. Additionally, reservations over copyright law and the potential for illegal distribution of textbook electronic copies were worked out to the satisfaction of the publishers, and the universities and tech schools.

I am proud to be the Senate author of this bi-partisan bill. I encourage committee members to join me in supporting this bill and to stand alongside current and future postsecondary students with disabilities across Wisconsin.





**Bill Position**  
**Board of Regents - University of Wisconsin System**  
**2011-12 Legislative Session**

**Assembly Bill 322**

**Electronic Access to Written Materials**

**LEGISLATION**

**(Knilians/Wirch)** This bill permits a UW System institution or Wisconsin technical college to request a publisher provide instructional material in electronic format and request permission to convert or to arrange for the conversion of that material into an accessible format for a student with a disability.

Under this bill, publishers are required to provide within 7 working days, access to instructional materials by following one of five options defined in AB 322.

The bill permits an institution of higher education to use instructional material in electronic format provided under the bill solely to convert that material into an alternative format for use by a student with a disability or to otherwise assist such a student. An institution that converts instructional material into an alternative format may share that material with any other institution of higher education serving a student with a disability.

The bill does not apply to a publisher or manufacturer of instructional material that is a member of a nationwide exchange network that facilitates the delivery of instructional material in alternative format to students with disabilities, if that material is delivered with seven days after a request for the material.

**10/12/2011:** Referred to Committee on Colleges and Universities.

**2/14/12:** Assembly substitute amendment 1 offered by Representatives Knilians and Seidel.

**UW SYSTEM POSITION**

**SUPPORT:** The University of Wisconsin System supports providing instructional materials in electronic and alternative formats and facilitating timely access to those materials by students with a disability.

The lack of accessible materials can pose a significant barrier to postsecondary students with print-related disabilities (i.e., those students that can't access text through the traditional formats). Accessible materials for students with disabilities may include Braille, large print, or audio materials. The UW System, through each institution's Disabilities Services Office, is responsible for ensuring that these students have effective access to accessible materials.

Accessible materials must be provided in a timely manner to be effective. In many instances, there is a lengthy delay before the publisher provides the materials and there is little guarantee that materials will be in a format suitable for conversion into an alternative format. Usually, by the time the publisher responds and the material is converted, much of the semester has passed.

Under this bill, publishers are required to provide within 7 working days, access to instructional materials by following one of five options defined in AB 322. This requirement will enable Disability Services Offices to provide accessible materials more promptly and ensure that postsecondary students with print-related disabilities do not fall behind in their studies.

Additionally, this bill permits UW institutions to share converted materials with other higher education institutions. This will eliminate the current requirement that each institution obtain the publisher's authorization before providing alternative instructional materials to students with disabilities. UW System supported similar legislation in the 2009-10 session.



Elsevier  
LexisNexis  
Reed Business

To: Committee on Colleges and Universities

From: Luke Rollins  
Manager, State Government Affairs-Midwest  
Reed Elsevier

Date: March 1, 2012

Re: Support for Wisconsin Assembly Bill 322 Sub 1

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Mr. Chair and members of the Committee, thank you for considering Reed Elsevier's testimony on AB 322 (Rep. Knilans).

Reed Elsevier is a global provider of science and health information. Elsevier provides teaching and learning solutions for faculty, students and schools in both print and electronic formats. Innovative electronic platforms and products, such as e-books, simulations and assessment tools help educators and students achieve better outcomes. Our global book production for health sciences produces more than 200,000 print pages per year. Elsevier publishes around 2,000 journals and close to 20,000 books and major reference works.

We strongly encourage your support of Substitute Amendment 1 (Knilians/Seidel) to AB 322.

Sub 1 to AB 322 is the product of great discussions and compromise. We would like to thank all of those that came together to reach this compromise, the advocates, the University system and technical colleges, and the legislative leaders for this initiative. I would also like to thank the chair and his staff as we communicated regularly throughout the compromise process.

The legislation before you will help provide improved and more efficient access to educational tools for those with print disabilities. At the same time, the proposal maintains intellectual property protections for book publishers.

As you can see from the GAB registrations (attached) this legislation has comprehensive support.

We have a strong bill that can certainly serve as a model for other states.

Thank you for your time, consideration and support of Sub 1 to AB 322.



*2011-2012 legislative session*

**Legislative bills and resolutions**

(search for another legislative bill or resolution at the bottom of this page)





































**Assembly Bill 322**

accessible instructional materials for students with disabilities enrolled in the University of Wisconsin System or the Technical College System.

**TEXT**  
sponsors  
LRB analysis

**STATUS**  
committee actions  
and votes  
text of amendments

**COST & HOURS**  
of lobbying efforts  
directed at this  
proposal

Organization		These organizations have reported lobbying on this proposal:	Place pointer on icon to display comments, click icon to display prior comments		
Profile	Interests		Date Notified	Position	Comments
		Association of American Publishers	1/3/2012		
		Disability Rights Wisconsin	11/3/2011		
		Madison Area Technical College	2/24/2012		
		McGraw-Hill Education	12/29/2011		
		Milwaukee Area Technical College	10/20/2011		
		Reed Elsevier Inc.	10/28/2011		
		United Council of UW Students	2/20/2012		
		Wisconsin Council of the Blind and Visually Impaired	10/18/2011		
		Wisconsin Education Association Council	10/13/2011		
		Wisconsin Library Association	2/10/2012		
		Wisconsin Technical College District Boards Association Inc	10/19/2011		



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**Bruce Hildebrand**  
**Executive Director, Higher Education**

**March 1, 2012**

**To: Representative Nass, Chair, Assembly Committee on Colleges and Universities and committee members**

**Re: Support for Assembly Bill 322**

Mr. Chair and members of the Committee, thank you for considering The Association of American Publisher's testimony on this important issue.

AAP is the national trade association representing nearly 300 premier U.S. publishers of high-quality entertainment, education professional and scholarly content – produced using the most current technology, reaching the world. AAP represents the industry's priorities on policy, legislative and regulatory issues regionally, nationally and worldwide. These include the protection of intellectual property rights and worldwide copyright enforcement, accessibility, digital and technology issues, funding for education and libraries, tax and trade, censorship and literacy.

AAP has long held the goal of better serving those with print disabilities. AAP's support and donations led to the creation of the Access-Text Network (ATN). ATN is the nation's leading membership exchange network that facilitates and supports the nationwide delivery of alternative course materials to higher education students.

Almost all of the Universities and Technical Colleges in Wisconsin are members of the Access-Text which means their print disabled students have a resource that they can rely on to enable campus disability services offices to more quickly and efficiently provide them with the accessible course materials they need and require.

In regard to Senate Bill 485, AAP would first like to thank all of those involved in working toward the compromise resulting in the legislation before you. AAP was a full participant in the process, and appreciated the consistent opportunity to have its point of view considered.

The discussion among the parties led to the creation of legislation that we believe can serve as a model for the country. It maintains and it improves the system for Wisconsin students, better serving those with print disabilities by providing them, and their institutions of higher learning easier access to textbooks.

The compromise legislation preserves two important principles. First, it furthers AAP's goal of helping provide greater access to educational tools for those with print disabilities. Second, it maintains intellectual property protections for book publishers who face constant threats of piracy.

Thank you for your time and attention to this issue. We ask that you support this compromise and assist our coalition of publishers, advocates, and higher education representatives in making this bill become law.



**March 1, 2012**

**Testimony by Roger Fetterly, Chair, Council on Veterans Programs  
Before the Assembly Committee on Veterans and Military Affairs  
In support of**

**Assembly Bill 322 relating to accessible instructional materials for students with disabilities enrolled in institutions of higher education.**

Representative Nass and members of the Committee, thank you for the opportunity to speak in support of Assembly Bill 322.

My name is Roger Fetterly; I chair the Council on Veterans Programs. We are a statutory Council whose purpose is to advise the Department of Veterans Affairs and its Board on issues relating to the needs of Veterans. Our Council is made up of representatives of 26 veterans service organizations, one of which is the Blind Veterans Association of Wisconsin. In total, our 26 members represent about 144,000 Wisconsin Veterans.

Earlier this year our Council voted unanimously to support this legislation, particularly for the critical help that is needed for blind and visually impaired veterans. We also voted to send a letter to all members of the legislature asking for their support, a copy of which I will provide to the Committee.

The best way for me to describe the need for this legislation is to quote Gary Traynor who lives in Rice Lake, a blind veteran who is also the President of the Blind Veterans Association of Wisconsin.

“Nationally, there are approximately 11,000 members of the Blind Veterans Association, many of which suffer from traumatic brain and other sight-loss related injuries. With respect to Traumatic Brain Injury (TBI), some vets can see relatively normal, but their brains will not process print any longer, resulting in the need for instructional materials to be provided in a verbal format. Others suffer from eye-related injuries from explosions. These heroes require an educational retooling process for which they need reading materials in an alternate accessible format identified in the proposed bill. All of these veterans are hopeful you will make the right decision in the passage of this bill.”

“Upon a forced retirement due to sight loss, the current President of the Blind Veterans Association was very unnecessarily challenged when seeking a post-secondary education. This was due to his text materials not being available to him in a verbal format in a timely manner; something which the passage of this bill could prevent by assisting our nations heroes who are trying to still continue being productive by retooling their careers.”

“Our Veterans have done their part, we hope you will do your part by supporting this bill.”

End of quote.

Again, I want to thank Representative Nass and the members of the Committee for this opportunity to represent the support of 144,000 Wisconsin Veterans for this legislation.

Roger Fetterly  
Chair, Council on Veterans Programs



## STATE OF WISCONSIN COUNCIL ON VETERANS PROGRAMS

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Website: [www.WisVets.com/Council](http://www.WisVets.com/Council) FAX: (608) 264-7616

Scott Walker, Governor

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William Hustad

January 6, 2012

Dear State Senator and Assembly member:

As we begin the new year, we would like to offer an issue for your consideration in the Spring 2012 session of the Legislature.

Many of America's veterans are departing the armed forces with Traumatic Brain Injuries (TBI) and other service-connected sight-loss disabilities. As a result, the Veterans Administration spends a great deal of its resources to ensure these veterans are taken care of while trying to succeed in a post-secondary education. These veterans, in addition to other disabled students, need access to newly published accessible text materials in a timely manner to keep up with their course schedules.

On December 8, The Council on Veterans Programs met at Wisconsin Department of Veterans Affairs, Madison, in a public forum. This Council consists of leadership representation from: American Ex-Prisoners of War, American GI Forum, American Legion, American Red Cross, AMVETS, Army Navy Union, Blinded Veterans Association, Catholic War Veterans, County Veterans Service Officers Association, Disabled American Veterans, Jewish War Veterans, Marine Corps League, Military Officers Association of America, Military Order of Purple Heart, National Association for Black Veterans, Navy Club, Paralyzed Veterans of America, Polish League of American Veterans, The Retired Enlisted Association, United Women Veterans, U.S Submarine Veterans of WWII, Veterans of Foreign Wars, Vietnam Veterans Against the War, Vietnam Veterans of America, WI Association of Concerned Veterans, and Wisconsin Vietnam Veterans.

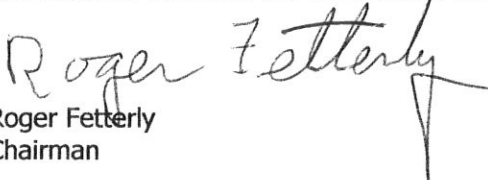
There was a motion provided by Gary Traynor, who is the President of the Blinded Veterans Association of Wisconsin, to support the Wisconsin Council of the Blind and Visually Impaired's proposed legislation for ensuring these veterans and other students with vision loss to have the opportunities to obtain their text books in an accessible format from the publishers as stated in AB 322.

All attending members of this Council present, not only voted in favor of supporting this bill, but during the proposed discussion phase, strongly urged your support for passing this important piece of legislation, which will result not only in supporting our veterans, but all students suffering from vision loss.

We are very hopeful that you will support our COVP in taking care of America's hero's and providing the opportunity for all post-secondary students suffering sight loss to receive their accessible text materials in a timely manner as stated in AB 322.

Sincerely,

WISCONSIN COUNCIL ON VETERANS PROGRAMS

  
Roger Fetterly  
Chairman